

सर्व शिक्षा अभियान

सब पढ़ें सब बढ़ें

27

फाइल संख्या

File No.

11012/76/2006-Cdn

खण्ड

Volume

भारत सरकार

GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS

अनुभाग

Section

टिप्पणियां

NOTES

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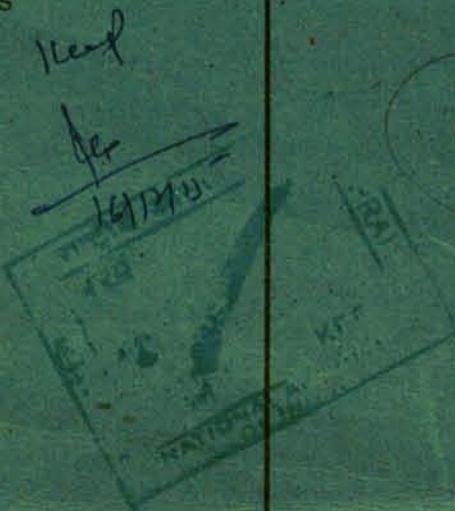
Report of JMCI on
alleged disappearance
of Netaji Subhash Chandra Bose
& ATR placed in Parliament
on 17.5.2006

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Sub: Short duration discussion – Report of JMCI on alleged disappearance of Netaji Subhas Chandra Bose and the ATR thereon – Brief on the subject.

The above matter is coming up tomorrow the 26th July, 2006 for discussion in the Lok Sabha. The following papers are, accordingly, placed on the file –

1. A brief note on the report of JMCI.
2. A copy of ATR placed before both the Houses of Parliament on 17.5.2006.
3. A chapter-wise gist of the JMCI report (vol. I).
4. A comparison among the reports of the Shah Nawaz Committee, Khosla Commission and this Commission.
5. Copy of the Cabinet Note.
6. Copy of letter of the Cabinet Secretariat dated 11.5.2006.
7. Copy of CCMB dated 4.4.2006.
8. Some anticipated questions and their replies.

May kindly see.

S.K. Goswami
25/7/06
(S.K. Goswami)
Under Secretary

~~OSD(S)~~

JS
25/7/06

~~JS(S)~~

Bhamathi
25/7/06

~~AS(BM)~~

Radhika
25/7/06

Home Secretary – not readily available.

~~MOS (R)~~

~~H.M.~~

[Large circular stamp]
25/7/2006

1357/JS(S)/06
25/7/06

LOK SABHA SECRETARIAT
(Legislative Branch-I)

SUBJECT: Short Duration Discussion under rule 193 on the Report of Justice Mukherjee Commission of Inquiry regarding alleged disappearance of Netaji Subhash Chandra Bose and memorandum of Action Taken by the Government on the Report laid on the Table of the House on 17th May, 2006.

The following discussion on a matter of urgent public importance has been admitted under rule 193 of the Rules of Procedure and Conduct of Business in Lok Sabha:-

Shri Prabodh Panda)
Shri Subrata Bose) to raise a discussion on the Report of Justice Mukherjee Commission of Inquiry regarding alleged disappearance of Netaji Subhash Chandra Bose and memorandum of Action Taken by the Government on the Report laid on the Table of the House on 17th May, 2006.

2. The above discussion is being included in the List of Business for Wednesday, the 26th July, 2006.

3. This may please be placed before the Hon'ble Minister of Home Affairs.

sd/-

(DEEPAK MAHNA)
DIRECTOR
Tel. 23012190
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FAX: 23012862

P.S. to the Minister of Home Affairs

L.S.S.U.O. No. 17/1(9)/2006/L-I

dated 25.7.2006

Copy to:

- (1) P.S. to the Minister of Parliamentary Affairs.
✓(2) Ministry of Home Affairs (Shri V.K. Duggal, Secretary).

PS to HM
MS

SSC(12)

ASC(BM)

PS to MOS(R)

✓PS(S)

Deepak Mahna
(DEEPAK MAHNA)
DIRECTOR

Ministry of Home Affairs
(Security Division)

NOTE ON JUSTICE MUKHERJEE COMMISSION
REPORT

Government of India by Notification dated 14th May, 1999 appointed the Justice Mukherjee Commission of Inquiry headed by Justice M.K. Mukherjee, Retired Judge of the Supreme Court, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith, including –

- a) whether Netaji Subhas Chandra Bose is dead or alive;
- b) if he is dead, whether he died in the plane crash, as alleged;
- c) whether the ashes in the Japanese temple are ashes of Netaji;
- d) whether he has died in any other manner at any other place and if so, when and how; and
- e) if he is alive, in respect of his whereabouts.

The Commission after examining 131 witnesses, visiting U.K., Japan, Taiwan, Bangkok and the Russian Federation and after going through 308 exhibits, has submitted its findings on 8th November, 2005 as follows –

- a) Netaji Subhas Chandra Bose is dead.
- b) He did not die in the plane crash, as alleged.
- c) The ashes in the Japanese temple are not of Netaji.
- d) In the absence of any clinching evidence a positive answer cannot be given.
- e) Answer already given in (a) above.

Government of India examined the report of JMCI thoroughly along with those of Shah Nawaz Committee and Khosla Commission. It has been observed that Justice Mukherjee Commission's inquiry was inconclusive in many ways, it is unable to provide a definitive finding on several issues and is at variance with past well accepted Inquiry Commission's findings in some critical areas and in the light of this, the Government has accepted regretfully that Netaji is dead but does not agree with the findings that --

- a) Netaji did not die in the plane crash; and
- b) The ashes in the Renkoji Temple were not of Netaji.

JMCI has concluded that Netaji did not die in the plane crash because of non-availability of records relating to the air crash. But, as mentioned by Khosla Commission in their report, "The papers in the plane must have perished in the fire, because the front portion of the plane where they would normally be kept was completely destroyed." Khosla Commission also stated that "It is only conjecture that such papers must have been prepared ergo, their non-production disproves the crash story. It is against reason, common sense and the rules of

evidence to base a conclusion on such an unjustifiable and unsubstantiated assumption."

Government of India accepted the findings of the Shaw Nawaz Committee set up in 1956, where the Committee after examining the witnesses (some of them were co-passengers in the same ill-fated plane and survived the crash) stated that "It will thus be seen that the evidence given by witnesses before us as to Netaji's death is corroborated by the findings of British and American Intelligence organizations who undertook independent enquiries very soon after the occurrence, and the conclusion of an unofficial enquiry conducted a year later by an Indian journalist. As for the witnesses who have deposed before us, neither from their antecedents, nor from the manner in which they made their statements, has the Committee any reason to disbelieve their stories. These witnesses are of different nationalities. Some were Japanese, Col. Habibur Rehman, an Indian (now a Pakistani), and Col. Figgess, an Englishman. They were unconnected with each other and came from different walks of life. There is absolutely no reason why they should come and depose to something which they know to be untrue."

The Shah Nawaz Committee also stated in the report that "They all point to the fact that Netaji Subhas Chandra Bose died at Taihoku Military Hospital on the night of the 18th August, 1945. We accept this conclusion."

The Committee also stated in the report that "Most of the Japanese witnesses are not now connected with the Government of Japan, and are in no way obliged to give evidence according to any particular brief."

The Committee stated in Chapter VII that "The Commission has come to the conclusion that Netaji Subhas Chandra Bose met his death in an air crash, and that the ashes now at Renkoji temple, Tokyo, are his ashes."

Khosla Commission, appointed in 1970, also stated that "..... I have reached the conclusion that the story of the aircrash at the Taihoku airfield in Taiwan and the subsequent death of Bose, resulting from burn injuries sustained by him in the crash must be believed. This story is substantiated by the testimony of wholly independent witnesses, four of whom were Bose's co-passengers in the plane which crashed, one is the doctor who attended to him and signed his death certificate and several others mentioned in the course of this chapter who have corroborated this story in all material particulars." The Commission also stated that "Most of the witnesses who gave evidence impressed me by their frank and honest demeanour. The Doctor, too, appeared to be a most convincing witness of truth."

Khosla Commission also stated that "I, therefore, find it proved beyond all reasonable doubt that Bose traveled in a Japanese bomber from Touraine to Taihoku on the morning of 18th of August, 1945.

At Taihoku the plane stopped for a short time to refuel. The pilot detected a snag in one of the engines. This was attended to, and the pilot pronounced the aircraft to be airworthy. The propellers of one of the engines had been damaged in a previous accident and the repair carried out did not completely restore the efficiency of the engine. This finally caused the crash at Taihoku, almost immediately after the plane took off. The plane crashed to the ground, broke into two parts and caught fire. In this fire the pilot and the Genl. Shidei died instantaneously and of the other men on board, the co-pilot Ayoagi died later and Bose also succumbed to his burn injuries during the course of the following night. His body was cremated and the ashes were taken to Tokyo."

The Shah Nawaz Committee has given a detailed account as to how the ashes were taken from Taihoku to Tokyo in Chapter V of the Report under the heading "Netaji's Ashes". In para 7 of Chapter V, the Committee has stated that "From what has been said, it will be seen that the ashes were moved in stages from the crematorium to Nishi Honganji temple, from there to Minami Aerodrome, and thence to Tokyo Imperial General Headquarters. The progress thereafter was from the Imperial General Headquarters, first to Mr. Ramamurti's house, and then to Mrs. Sahay's house and finally to the Renkoji temple. There is no break in the chain."

In Chapter VII of the report, Shah Nawaz Committee has stated under the heading "Recommendation" that "The Committee has come to the conclusion that Netaji Subhas Chandra Bose met his death in an

air crash, and that the ashes now at Renkoji temple, Tokyo, are his ashes.”

Khosla Commission has also stated that “His body was cremated and the ashes were taken to Tokyo.”

So, the Government found it difficult to accept the report of JMCI in its totality, because non-availability of documents does not disprove the story of the air crash at Taihoku on 18th August, 1945 in the face of overwhelming evidence of witnesses (some of whom were co-passengers in the same ill-fated plane and suffered severe burn injuries themselves) tendered before the Shah Nawaz Committee and Khosla Commission. Accordingly, a Memorandum of Action Taken Report was placed before both the Houses of Parliament on 17th May, 2006.

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AUTHENTICATED
Shri M.K. Mukherjee
SHRI M.K. MUKHERJEE
HOME MINISTER

**MEMORANDUM OF ACTION TAKEN ON THE REPORT
OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY REGARDING
THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE**

By Government of India Notification No. S.O. 339(E) dated 14th May, 1999, Shri M.K. Mukherjee, retired Judge of the Supreme Court of India, was appointed under the Commissions of Inquiry Act, 1952, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including –

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

2. The Government have examined the Report submitted by the Commission on 8th November, 2005 in detail and have not agreed with the findings that -

- (a) Netaji did not die in the plane crash; and
- (b) the ashes in the Renkoji Temple were not of Netaji.

3. This Report is placed before the Houses as required under sub-section (4) of Section 3 of the Commissions of Inquiry Act, 1952.

CHAPTER ONE – PREAMBLE

Here the background has been enumerated. It mentions about the appointment of the three-member Committee in 1956 with Shri Shah Nawaz Khan as its members. After considering the evidence collected by the Committee, two of them (Shri Shah Nawaz Khan and Shri S.N. Maitra) came to the conclusion that Netaji had died in the plane crash. Shri Suresh Chandra Bose submitted a dissenting report stating that there had been no plane crash involving Netaji's death. The majority report was accepted by the Government.

2. The majority report of the Committee did not, however, satisfy the public in general. So, the Government of India appointed another Commission headed by Shri G.D. Khosla, Retired Chief Justice of Punjab High Court, in 1970. This Commission also came to the conclusion that Netaji had succumbed to his injuries sustained in the plane crash at Taihoku and that his ashes had been taken to Tokyo.

3. The findings of the Khosla Commission also did not end the controversy surrounding Netaji's death. So, Government of India appointed another Commission under Justice M.K. Mukherjee in 1999.

4. The terms of reference of this Commission was to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including –

- a) whether Netaji Subhas Chandra Bose is dead or alive;
- b) if he is dead, whether he died in the plane crash, as alleged;
- c) whether the ashes in the Japanese temple are ashes of Netaji;
- d) whether he has died in any other manner at any other place and, if so, when and how;
- e) if he is alive, in respect of his whereabouts.

CHAPTER TWO – THE INQUIRY

In Chapter Two of the report, the Commission has mentioned the following difficulties which they encountered in the course of the inquiry –

- i) The Commission did not get file No. 12(226)/56-PM (Investigation into the circumstances leading to the death of Subhash Chandra Bose) and the stand taken by the Cabinet

Secretariat about this file, according to the Commission, is "evasive and unfathomable" (Page 13).

- ii) U.K. Government did not give access to two files as they were "closed" (meaning cannot be divulged) (Page 18).
- iii) The Commission requested the MEA for engagement of suitable scholars or students of post-graduate class preferably of law, historical research, political science etc. to do archival research at various American repositories of relevant historical documents on Netaji, as agreed to by the Director of Textual Archives Services Division of the USA. But it was not acceded to by MEA (Page 21).
- iv) The Commission wanted access being given by the Renkoji Temple authorities to a Scientist for the purpose of collection of the potentially less charred pieces of bones from the contents of the urn kept there for DNA test. But this could not be done for the Temple authority's reticence (Page 31).

2. Here the Commission mentions that owing to lapse of long time, a considerable number of witnesses whose evidence might have been helpful to this inquiry were found to be either dead or untraceable or too old and infirm to depose and quite a number of documents which might have been relevant to the inquiry could not be traced. In this connection the Commission points out that in compliance with its direction, Govt. of India filed two applications supported by affidavits claiming privilege under Sections 123 and 124 of the Evidence Act and Article 74(2) of the Constitution of India in respect of documents contained in three files. The Commission also mentions here that it visited England, Taiwan and Russian Federation in connection with the inquiry.

3. Although the Indian Evidence Act was not applicable to the proceedings before the Commission as held by High Court and Supreme Court, it treated only those materials brought before it as evidence which were legally probative for a prudent mind.

CHAPTER THREE – WHETHER NETAJI SUBHAS CHANDRA BOSE IS DEAD OR ALIVE

Under this Chapter, the Commission has mentioned the following versions relating to the death of Netaji –

- i) He was murdered at Red Fort in Delhi on August 15, 1945;
- ii) He died in an air crash at Taihoku (now Taipei) in Taiwan (formerly Formosa) on August 18, 1945!

- (11)
- iii) He died at Dehradun, Uttar Pradesh (now Uttarakhand) in 1977;
 - iv) He died at Sheopurkalan in the State of Madhya Pradesh on May 21, 1977; and
 - v) He died at Ram Bhawan in Faizabad, Uttar Pradesh, on September 16, 1985.

2. The Commission has stated that the average life span of an Indian is 70 – 75 years and that Netaji would be more than 108 years now (his date of being 23rd January, 1897). It has also added that it is 'possible' for a person to live beyond the average life span of an Indian and in a rare case even more than 100 years. But it has been mentioned that any person or authority entrusted with the duty of investigating into a question of fact has to find an answer thereto depending on whether it is 'probable' and not 'possible'. The distinction between the above two expressions is that while the former means what is likely to happen in the common course of events, the latter means what is unlikely to happen in the common course of events, but may happen in exceptional cases.

3. It has been mentioned that judged in the light of the above principle, if it is found that none of the versions regarding Netaji's death is substantiated, the only legitimate inference that can be drawn at this distant point of time is that Netaji is no more. And on this analogy, the Commission has delved into the different versions of Netaji's death one by one in Chapter Four.

CHAPTER FOUR – DIFFERENT VERSIONS OF NETAJI'S DEATH

(i) Death in the Red Fort:

One Shri Usha Ranjan Bhattacharjee, a resident of Kolkata, filed a statement, supported by an affidavit, before the Commission contending that Netaji was deliberately murdered in the Red Fort on 15th August, 1945 at zero hour. His attention was drawn to a book written by him titled 'Netajike Lal Kellai Hotya' (Netaji was murdered in Red Fort) and when he was asked as to the source of his knowledge of the murder, he stated "the story was given out of presumption and assumption". In view of such admission and absence of any other evidence, the Commission rejected the contention being a figment of imagination.

(ii) Death in the plane crash:

The Commission has mentioned here at the outset that it is not an appellate body sitting in judgment over the finding of the earlier Committee

and Commission (Shah Nawaj Committee and Khosla Commission) and that it has to answer the question (i.e. whether Netaji died in the plane crash) afresh without being in any way influenced by the reasons that weighed on them (the Committee and the Commission) in arriving at their respective conclusions.

2. The Commission has narrated the story of the plane crash as follows –

In the afternoon of August 15, 1945, while Netaji was in Singapore, the Government of Japan officially announced their surrender to the Allied Powers. Although Netaji was also willing to surrender, but his colleagues persuaded him not to do that and instead advised him to go to some Russian territory. Netaji left for Bangkok along with Col. Habibur Rahman and others on August 16, 1945. From there, he went to Saigon on August 17, 1945. As the plane in which Netaji reached Saigon developed some problem, Netaji and Col. Habibur Rahman were accommodated in a Japanese plane and left Saigon for Tokyo via Manchuria and arrived at Tourane on the same day i.e. August 17, 1945. On August 18, 1945, they left for Taihoku (in Formosa) and after a brief halt there for refueling, the plane took off for Taihoku. But immediately thereafter the plane crashed in the airfield and burst into flames. Netaji had suffered serious burn injuries and taken to the military hospital where he succumbed to his injuries. Col. Habibur Rahman suffered minor injuries. Netaji was cremated a day or two later in the Crematorium of Taipei and the ashes were collected and sent in a box to Tokyo and ultimately enshrined in the local Renkoji Temple.

3. To prove Netaji's death in the plane crash, seven witnesses were testified before the Commission. None of them had any personal knowledge about the death of Netaji in the plane crash, nor did they produce any contemporary documents in support thereof. Their assertion on this point was based on either hearsay or belief or result of inquiries. So, the Commission did not find that to be admissible evidence or reliable evidence to hold that Netaji died in the plane crash.

4. In course of argument, the deponents and/or their learned counsel put forward the following grounds before the Committee, earlier Commission and this Commission against the evidence of those who spoke in support of the story of the plane crash –

- i) Evidence is bristled with material discrepancies and contradictions.
- ii) If the bomber in which Netaji was traveling had no seats and for that matter no seat belt and all passengers were squatting on the floor of the plane and as the plane had nosedived from a

height of about 12 – 14,000 feet, all the luggage and passengers would be thrown near the cockpit and in that event even half of the passengers could not have survived (as per the evidence only two died on the spot and the rest could come out). Also, as per the evidence, Netaji was seated adjacent to the petrol tank and as such gasoline from the tank fell all over his body resulting in third degree burns. This could not be believed because at the time when the plane was nosediving, Netaji could not remain seated near the petrol tank.

- iii) Not a scrap of paper was there to corroborate the oral version of the plane crash. This was important because two very important persons – Netaji, the head of the Provisional Government of Free India, which was recognized by the Japanese Government, and Shidei, a General of the Japanese army - died in the plane crash.
- iv) The Government of Taiwan and the Taipei City Government admitted before the Chairman of the Commission that they had no document in proof of the fact that there was any plane accident at the material time.
- v) Senior Counsel appearing for Government of India, submitted that there were glaring discrepancies in the evidence adduced regarding the accident.

5. Then the Commission has stated the sequence of events relating to Netaji's treatment in the hospital, his death and cremation as follows –

According to Dr. Yoshimi, who was examined by the earlier Committee, Commission and this Commission, was acting as the chief of Nanmon Military Hospital, Taihoku, where Netaji and other injured were brought after the plane crash, stated that Chandra Bose (as Netaji was so called by the Japanese) had suffered severe burns (third degree) and had little chance of survival. He treated him first and he died shortly after 8 PM. On the night of Netaji's death, Dr. Yoshimi prepared and signed a death certificate writing his name in Japanese (Kata Kana) as "Chandra Bose" and giving the cause of death as "burns of the third degree".

As regards the cremation, initially it was decided to take the body to Tokyo; but subsequently it was decided to cremate it at Taihoku. As deposed by Col. Habibur Rahman before the Shah Nawat Committee, on August 20 the coffin was taken to Taihoku City Government Crematorium for cremation. On the next day, according to Buddhist custom, a bone from every portion of the burnt body was picked and placed in a wooden box of

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about 8" cube and taken to Nishi (West) Honganji Temple and a special ceremony was held on that day.

6. This evidence has been challenged on the following grounds –

- a) No hospital record regarding nature of injury and nature of treatment given to Netaji is available. Also, no certificate to prove that the dead body was duly cremated is available.
- b) No photograph of the dead body was taken either at the hospital or at the crematorium as an evidence of identification.
- c) Although Netaji was the head of an independent State which was recognized by nine countries including Japan, no military honours befitting a head of an independent State appeared to have been given to the deceased at the time of the funeral.

7. The Commission has stated that after August 23, 1945, when the news of Netaji's death was broadcast and prior to the appointment of Shah Nawaz Committee, quite a number of inquiries were held by the British and the American intelligence authorities to ascertain the truth. But reports of these inquiries indicate that they relied solely upon oral testimony without caring to search for the relevant records of Taihoku airport, the army hospital, Taipei Municipal Bureau of Health & Hygiene (Bureau) etc. One Shri Harin Shah, the editor of "Indian Worker", which was the official journal of Indian National Trade Union Congress, and who testified as a witness before the Shah Nawaz Committee, paid a visit to Taipei towards the end of August, 1946 and made an inquiry into the story of the air crash and of Netaji's Death at Taihoku. In the Bureau's office at Taipei, he met two clerks through the Director and got the following records –

- i) Doctor's report on the death of Netaji;
- ii) The police officer's report; and
- iii) The Certificate issued by the Bureau permitting cremation.

The English translation of the Doctor's report shows that the name mentioned was Okara Ichiro, date of death 19th August, 1945 and nature of sickness was Heart Failure.

8. Shri Shah next stated that the police report and the cremation permit also more or less tallied with the Doctor's report. On being asked as to why false particulars had been furnished in the certificate with regard to the identity and other details of Netaji, it was replied that the Japanese officer accompanying the dead body had told them that for state reasons the

(15)

particulars of the person had to be kept confidential. The Commission has stated here that the particulars in the documents did not relate to Netaji.

9. The Commission has also mentioned that during Shah Nawaz Committee inquiry also these reports were obtained. This Commission, however, did not get them from the Government of India. They obtained the same from the U.K. National Archives on their own initiative. Further, during that time the Japanese Government was also requested to produce the same documents and the Ministry of Foreign Affairs of the Japan Government forwarded a copy of entry in Serial No. 2641 of the Cremation Register made by the Bureau in Taipei and the name mentioned was Ichiro Okura. The three sets of documents received from three different sources viz. from the office of the Director of Bureau, Taipei, from the U.K. National Archives and from the Japanese Government, unerringly demonstrate that the particulars furnished therein tally with one another.

10. Thereafter the Commission has stated that according to the regulations then prevailing in Taipei, for cremation of a dead body, a doctor's report of his death had to be obtained first. Then an application in the prescribed form for a permit for cremation was required to be filed by a family member of the deceased. In that form, detailed particulars regarding date of birth, nature of illness causing the death etc. were required to be furnished to obtain the permission to cremate the dead body. However, during the war, in case of military personnel without family members there, permission for cremation was granted on the strength of a certificate from a military hospital.

11. That the two doctors, namely Dr. Yoshimi and Fr. Tsuruta were fully aware of these regulations will be evident from their statement made before the Committee and the two Commissions. Before the Committee, the former stated that "On the 18 August I had issued a medical certificate of death in respect of the deceased person writing his name in Japanese as Chandra Bose and giving the cause of death as 'burn of the third degree'. Before the earlier Commission, Dr. Yoshimi had averred that he prepared a death certificate and the name mentioned therein was Chandra Bose and gave the reason of death as 'general burning all over the body, degree three'. Dr. Yoshimi was examined by this Commission and he has stated that he mentioned the name of the deceased as Chandra Bose and the cause of death was mentioned as third degree burns. He also mentioned that he applied to the Taiwan authority on 18-8-1945 for the cremation permit and attached the death certificate with the application form.

12. If the aforesaid evidence of the two doctors is to be believed then the body of Netaji would have to be taken to the Bureau and on the basis of the

application made by Dr. Yoshimi, the permit would have been issued and on his cremation there would have been entries in the cremation register with a specific serial No. allotted and the name of Dr. Yoshimi would appear in the column meant for writing the name of the applicant seeking permission for cremation of the body. But in the register of cremation at the Municipal Health Centre, there was an entry in the name of Ichiro Okura who was cremated on 22-8-1945 and no other records exist.

13. From the above, the Commission found that the records – death certificate of Netaji filed before the Bureau, the application seeking permission to cremate the dead body, the permit granted for his cremation and entry in the cremation register in proof of cremation – were absent and this made the story of Netaji's Death in the air crash vulnerable and raises reasonable and bona fide doubt about the story.

14. The above observation of the Commission also receives unflinching support from the following –

The Chairman requested the Government of Taiwan to send certain records including all entries in the cremation register of the old crematorium of Taipei city during the period from 18 August to 24 August 1945. Ministry of Foreign Affairs of Taiwan sent the records including the entries in the register. Thereafter the Commission requisitioned the services of Anglo-Japanese translator through the Japanese Consulate in Kolkata. According to the translation given, there is no entry in the name of Netaji Subhash Chandra Bose/Chandra Bose, pilot Takizawa. Co-pilot Aoyagi and General Shidei (who, according to witnesses, were with Netaji as co-passengers) in the documents of cremation during the period from 17 August to 27 August 1945. Absence of any entry relating to their cremation defeats the story of death of Netaji and some of his co-passengers in the plane crash.

15. Quite a number of deponents and/or their counsel had submitted before the Commission that there was evidence that Netaji did not die in the plane crash and that he was alive beyond August 18 1945. Some of them had even asserted that Netaji had been able to go to Russia pursuant to an excogitated plan. The Commission received several statements supported by affidavits and supplementary affidavits that there were relevant documents in several archives of Russian Federation relating to Netaji. So the Commission decided to visit Russian Federation to hold inquiry including examination of documents relating to Netaji. Accordingly the Commission got in touch with the MEA with request to make necessary arrangements so as to enable it to visit the archives and also to obtain the consent of the

persons listed by one Dr. (Mrs.) Purabi Roy, who claimed that she had been visiting Russian Federation at regular intervals to do research work on Indo-Soviet relations for a long time. In response thereto, three archives sent documents translated into English and six others intimated that they had no documents concerning Netaji. So far as the persons to be examined were concerned, some of them were dead and some were not traceable. These data were furnished by MEA.

16. Ultimately the Commission decided to visit Russia in September 2005, and scrutinized various documents and some witnesses. But nothing was found which could be of relevance to the current terms of reference of the Commission.

17. To disprove the story of Netaji's death in the plane crash, some documents were filed before the Commission stating that the Commission should go to Saigon (Vietnam) as according to them evidence would be available there to form that contention. But on scrutiny the Commission had rejected the same.

18. Another ground canvassed before the Commission is based on certain passages in the "Transfer of Power 1942-7 (Vol.VI). Attention was drawn to a letter dated 23-8-1945 written by Sir F. Mudie (Home Member in the Viceroy's Executive Council) to Sir E. Jenkins (Private Secretary to the Viceroy) (Pages 137-140) giving alternative proposals for dealing with Netaji Subhas Chandra Bose. It was contended that if Netaji had died on 18 August 1945, such proposals would not have been given. Also, the news of Netaji's death was first broadcast on that day itself i.e. 23 August 1945.

19. Attention of the Commission was also drawn to the minute of a meeting of India and Burma Committee of British Cabinet presided over by Prime Minister Attlee on October 25 1945 (Pages 402-406). The relevant portion reads as follows –

"Treatment of Indian Civilian Renegades.

The committee turned to a consideration of the principals which should govern the trial and punishment of India civilian offenders. The following were the principal points raised in discussion:-

- 1) It was generally agreed that te only civilian renegade of importance was Subhas Chandra Bose.
- 2)
- 3)

(12)

It was contended that this minute would not have been recorded if Netaji had died in the plane crash.

20. A contention was also raised that the story of the plane crash was contrived pursuant to a well laid out plan to which the Japanese military authority was also a party to ensure Netaji's safe passage out of Japan and the reach of the Allied Powers. The Commission has stated that such plan to escape could not have been thought of without the active support and cooperation of the Japanese military authority. The Commission has also stated that Netaji's decision to go out of Japan and the reach of the Allied Forces in the wake of the surrender of the Japanese was pursuant to a plan formulated on the advice and with the active cooperation and support of the Japanese military authorities stands established by overwhelming evidence adduced before the Committee and the two Commissions and a detailed discussion on this issue will serve no purpose except increasing the volume of this report. Suffice it to say that on August 16 1945 while in Bangkok Netaji had a meeting with General Isoda, the Head of Hikari Kikan and his main task was to liaise between the Japanese Govt. and a combined group of India Independence League, Indian National Army and the Provisional Govt. of Free India. General Isoda testified that these plans were secret and the purpose of Netaji's flight to Soviet Union was to continue his independence movement from there.

21. It has also been contended before the Commission that the story of Netaji's death in the plane crash and of his cremation was concocted to ensure the success of Netaji's escape plan by hoodwinking the Allied Forces.

22. Another significant fact that raises a serious doubt about the truth of Netaji's death in the plane crash is the unusual conduct of Habibur Rahman as evinced by his non-communication of the above news. If Netaji had really died in the manner as alleged, it was expected that he (Habibar Rahman) would, as the only surviving member of INA, immediately report about it, more so when it related to the death of his Supreme Commander to his superiors in the army and his colleagues in Bangkok, Singapore, Saigon and Tokyo. His such conspicuous silence cannot be explained in any way except that he was playing a very vital role along with the Japanese army authority in formulation and execution of Netaji's escape plan.

23. The next circumstance that makes the story of the plane accident suspect is the non-availability of any document of the air crash. Even though the Japanese were in control of Taipei till 25-10-1945 and an inquiry into the accident was held as early as September 13, 1945 by a team of British Intelligence headed by Mr. Finney, but it does not appear that any attempt was made by them to look for the airport records.

24. Another circumstance that goes against the story of Netaji's death in the plane crash on August 18, 1945 at Taihoku and lends support to the escape plan is the message that was sent by the Chief of Staff, Southern Army to O.C., Kikari Kikan on August 20, 1945 to say that 'T' (code name of Netaji) had died as a result of an accident and his body had been flown to Tokyo by the Formosan Army.

25. The other impediment before the Commission to accept the story of the plane crash was the evidence of Shri S.A. Ayer, ex-Publicity and Propaganda Minister of Azad Hind Government, as corroborated by the relevant passages of his Book titled "Unto him a witness". At page 86 of the book he has stated that he was informed of the death of Netaji by Rear Admiral Chuda of Japanese Navy on 20-8-1945 and that his request to see the body of Netaji with his own eyes was not acceded to. It is clear from the evidence of Shri Ayer that he refused to believe that story unless he saw the dead body with his own eyes.

26. The Commission has also given another circumstance which is pertinent to the issue of the plane crash. During the Commission's visit to Taiwan, the Chairman requested the concerned officers of the Taiwan City Government to show the records on the basis of which they had stated that there was no plane crash on August 18, 1945. They told him that the information was based solely on contemporaneous newspaper accounts kept in their archives. The visit of the Chairman to the Institute of Taiwanese History and perusal of the microfilmed daily newspapers confirmed that there was no report of any plane crash on August 18, 1945. Had there been any plane crash relating to the death of Netaji, the facts would have certainly been published in the local daily 'Central Daily News'. Even the news of lesser importance relating to Netaji was published in the said newspapers dated September 14, 1945 as given below -

Central Daily News, 14 September 1945

The India Government decided today to release the younger brother (s) and family of Bose who were detained since the beginning of the Japanese war. The members belonging to the Bose family (clan) who opposed the Government will also be set free. The official announcement states, "In view of the Japanese surrender, there is no need for detaining these people for a long time".

27. From the above, the Commission has concluded that on a conspectus of all the facts and circumstances relevant to the above issues it stands established that emplaning at Saigon on August 17, 1945, Netaji succeeded in evading the Allied Forces and escaping out of their reach and as a camouflage thereof the entire make-belief story of the air crash. Netaji's

death therein and his cremation was engineered by the Japanese army authorities including the two doctors and Hsabitur Rahman and then aired on August 23, 1945 through a statement prepared by Shri S.A. Ayer at the dictation of the aforesaid authorities to give imprimatur of the INA to the death news of Netaji. Obviously, in cooking up the story of Netaji's death in the plane crash and giving it a modicum of truth they (the Japanese military authorities and Habibur Raman) had no other alternative than resorting to suppression of facts and in so doing they not only invited material contradictions in their evidence as pointed out by the deponents and their learned Counsel, but also left latent loopholes which have now been discovered. Though no firm opinion can be expressed about Netaji's exit point, it can legitimately be inferred, having regard to the established fact that Habibur Rahman who accompanied him from Saigon was next found present in Taipei cooking up a story (along with others) of his death there, that Netaji disappeared therefrom (Taipei). But the question whether Netaji thereafter landed in Russia or elsewhere cannot be answered for dearth of evidence.

28. As regards the journey of the ashes collected by Habibur Rahman from the crematorium at Taipei to the Renkoji Temple in Japan, the evidence is consistent and, therefore, needs no discussion. Since the ashes collected were of Ichiro Okura – not of Netaji – the only inference that can be drawn is that the ashes lying in that temple cannot be of Netaji.

(iii) Death in Dehradun:

This version stems from the setting up of an Ashram by a Sadhu known as Sharadanandji in about 1959 named and styled as 'Shoulmari Ashram' at a place called Falakata in the district of Cooch Behar which borders Bangladesh, Bhutan and Nepal. He stayed there for about 6/7 years and ultimately settled down in Dehradun in 1973 and died there in 1977.

2. Of the 11 witnesses examined on this score, eight have put forward the story that the Sadhu was none other than Netaji, while the other three have disputed the claim. Before the Khosla Commission also some witnesses made a similar statement. Distinguishing the Sadhu's appearance, accent and his manner of speaking from those of Netaji, Niharandu Dutta Majumdar, who deposed before the Khosla Commission as witness No. KW 174, stated that the Sadhu did not resemble Netaji and he spoke the dialect of the Sylhet border in East Bengal, whereas Netaji was a man of Cuttack (Orissa) with his ancestral house in South 24-Parganas in West Bengal.

3. The Commission has concluded that when the real identity of a person is the issue, his evidence is undoubtedly of great importance unless, of course, it is proved that he was suppressing his identity with an oblique motive or

purpose and as in the instant case there is no reliable evidence to prove that the Sadhu was Netaji, the question of his (Netaji's) death in Dehradun in 1977 does not arise.

(iv) Death in Sheopurkalan:

One Shri Jagannath Prosad Gupta, a resident of village Nagda in the district of Sheopurkalan (Madhya Pradesh) filed a statement supported by an affidavit asserting that during the days of struggle for freedom of India, a plane crash-landed in the neighbouring village of Pandola and the three persons who survived were a 'Sadhu', Col. Habibur Rahman and Hitler. Later on, the 'Sadhu' came to their village and started living on the bank of the river nearby. According to Shri Gupta, the Sadhu is none other than Netaji and that he died on May 21, 1977. He also stated that after the death of the Sadhu, the MP Govt. had seized all records pertaining to the Sadhu and those documents contained the proof of his identity as Netaji. Three other persons also supported Shri Gupta's statement by affidavits. Commission examined all the four persons at Sheopurkalan, and found that their claim that the Sadhu was Netaji was wholly unfounded. The documents seized by the MP Police also did not support Sri Gupta's contention. The story of plane crash in 1946 was also found to be absurd on the face of it. So, the Commission rejected this claim.

(v) Death in Faizabad:

The common case that has been made out before the Commission by three persons (supported by affidavits) is that after the death of Stalin in March, 1953, Netaji escaped from the then Soviet Russia and after coming to India lived at different places in UP and lastly at 'Rambhawan' in Faizabad. They also stated that in September 1985, he left Rambhawan for an unknown destination leaving behind a large number of household articles including his family photos, books, letters and other documents in that house and that custody of the same was taken by the DM, Faizabad and kept in the treasury there.

2. On thorough scrutiny of more than 2600 items lying there, the Commission felt that about 700 of them might be relevant for its purpose and took them to Kolkata. In asserting their claim that Netaji lived at various places in the State of UP as an ascetic holy man under two different names viz. Gumnamī Baba and Bhagwanji, 31 persons deposed before the Commission. Some of them were left out as their evidence was based either on hearsay or based on belief without any substantial material in forming the same. Some were also excluded by the Commission as their claim is based on the result of their investigation into the mystery surrounding Gumnamī Baba as also several articles they wrote in newspapers, magazines etc. Evidence of

some were not entertained as they admitted that they had not seen Gumnamī Baba.

3. The Commission has pointed out that the reports of the experts, to whom the handwritings appearing in some books and journals found in Rambhawan were sent for comparison with the admitted handwritings of Netaji, materially differ. The Commission also sent five teeth out of nine, found in Rambhawan along with samples of blood collected from two descendants on the father's side and three descendants on the mother's side of Netaji to the Central Forensic Science Laboratory, Kolkata, for DNA profiling test to fix the identity of the person to whom the teeth belonged. After subjecting three of the five teeth to the above test, Dr. V.K. Kashyap, DNA expert and Director of the Laboratory, submitted a detailed report with the following opinion –

“From the morphological examination and analysis of SRY gene, mt DNA (HVS I & HVS II), and Y-STR loci in the forwarded Exhibits 1-10, it can be concluded that forwarded teeth (Exhibits 2 to 4) belong to a single human aged male individual (alleged Gumnamī Baba). The individual – source of the teeth does not belong to either maternal or paternal DNA lineage of Netaji Subhas Chandra Bose, therefore, cannot be of Netaji Subhas Chandra Bose.”

The Commission has, therefore, stated in conclusion in this chapter that in absence of any clinching evidence to prove that Bhagwanji/Gumnamī Baba was Netaji, the question whether he (Netaji) died in Faizabad on September 16, 1985, as testified by some of the witnesses, need not be answered.

CHAPTER FIVE – CONCLUSION

The Commission has given the conclusion in this chapter on the basis of the discussions made in chapter four of the report. The response of the Commission to the terms of reference is set out below in a tabular form -

Terms of reference in the Notification	Conclusion of the Commission
(a) whether Netaji Subhas Chandra Bose is dead or alive;	(a) Netaji Subhas Chandra Bose is dead;

(b) if he is dead, whether he died in the plane crash, as alleged	(b) He did not die in the plane crash, as alleged;
(c) whether the ashes in the Japanese temple are ashes of Nataji;	(c) The ashes in the Japanese temple are not of Netaji;
(d) whether he has died in any other manner at any other place and, if so, when and how;	(d) In absence of any clinching evidence a positive answer cannot be given;
(e) if he is alive, in respect of his whereabouts.	(e) Answer already given in (a) above.

Regarding the ancillary query (vide paragraph 3 of the Notification, the Commission is of the view that consequent upon its above findings, the Central Government can proceed on the basis that he is dead but did not die in the plane crash, as alleged.

Sl. No.	Issue/fact/point/circumstance	Comments of Shah Nawaz Committee on this	Comments of Khosla Commission on this	Comments of Justice Mukherjee Commission of Inquiry on this
1.	Evidence of the plane crash and absence of contemporaneous documents	<p>"It will thus be seen that the evidence given by witnesses before us as to Netaji's death is corroborated by the findings of British and American Intelligence organizations who undertook independent enquiries very soon after the occurrence, and the conclusions of an unofficial enquiry conducted a year later by an Indian journalist. As for the witnesses who have deposed before us, neither from their antecedents, nor from the manner in which they made their statements, has the Committee any reason to disbelieve their stories..... Most of the Japanese witnesses are not now connected with the Government of Japan, and are in no way obliged to give evidence according to any particular brief. They all point to the fact that Netaji Subhas Chandra Bose died at</p>	<p>"After giving the most anxious consideration to all the available evidence, the criticism to which the statements of the various witnesses were subjected and the arguments advanced by counsel, I have reached the conclusion that the story of the aircrash at the Taihoku airfield in Taiwan and the subsequent death of Bose, resulting from burn injuries sustained by him in the crash must be believed. This story is substantiated by the testimony of wholly independent witnesses, four of whom were Bose's co-passengers in the plane which crashed, one is the doctor who attended to him and signed the death certificate..... The doctor, too, appeared to be a most convincing witness of</p>	<p>"So far, the evidence regarding Netaji's death in the plane crash and his cremation has been discussed keeping in view the submissions made by some of the deponents and their learned Counsel (except those relating to the contradictions in the evidence of the witnesses as pointed out by them to which reference will be made later on) and the appraisal thereof has yielded the following findings -</p> <p>a) There is no satisfactory evidence of the plane crash; on the contrary, the story given out in that respect is rather improbable;</p> <p>b) In absence of any contemporaneous record in the hospital, the Bureau and/or the crematorium, the oral account of the witnesses of Netaji's death and cremation cannot be relied upon to arrive at a definitive finding on the</p>

		Taihoku Military Hospital on the night of the 18 th August 1945. We accept this conclusion." (Page 34-35 - para 10).	truth." (Page 49 -para 4.128) <i>what papers</i>	basis thereof; and e) A secret plan was contrived to ensure Netaji's safe passage to which Japanese military authority and Habibur Rahman were parties" (Page 95 - Para 4.12.14)
2.	British and American Intelligence organizations based their report solely on oral evidence.	"Soon after the end of hostilities, the Government of India sent two parties of Intelligence officers (police) headed by Messrs. Finney and Davies to the Far East to enquire about the whereabouts of Netaji Subhas Chandra Bose, and if possible, to arrest him. Two Indian police officers who were in those parties, Mr. H.K. Roy and Mr. K.P. De, appeared before us and gave evidence. The conclusion of the police officers was that Netaji had died as a result of air crash, and they reported to the Government of India accordingly. A parallel enquiry was conducted about the same time at the instance of the Director of Military Intelligence, India, or Admiral Lord Mountbatten's Headquarters at Kandy,	"The papers in the plane must have perished in the fire, because the front portion of the plane where they would normally be kept was completely destroyed. It is only conjecture that such papers must have been prepared ergo, their non-production disproves the crash story. It is against reason, common sense and the rules of evidence to base a conclusion on such an unjustifiable and unsubstantiated assumption. (Page 39 -para 4.86)	"..... after August 23, 1945, when the news of Netaji's death was broadcast, and prior to the appointment of the Shah Nawaz Committee by the Government of India on April 5, 1956 quite a number of inquiries were held at the behest of the British and American Intelligence authorities to ascertain the truth. Reports of these inquiries indicate that they based their findings relying solely upon the oral testimony of some witnesses without caring to search for the relevant records of Taihoku Airport, the Army Hospital, Taipei Municipal Bureau of Health and Hygiene ('Bureau for short) and Taipei City Crematorium to test the veracity of their assertion and, in case no such record was

		through Col. F.G. Figgess, at that time attached to General MacArthur's Headquarters at Tokyo, about Netaji Sbyhas Chandra Bose. The conclusion reached from these reports was that Netaji had died of burns at Taipch as a result of the air crash." (Page 32-34 – para 8).		found, to incorporate that fact in their respective reports." (Page 59-60 – Para 4.6.11)
3.	Absence of cremation certificate makes the plane crash story doubtful	".... About the cremation, the evidence has come from two Japanese, one Indian (Pakistani), and one Formosan witness. Their stories closely corroborate each other. There is no reason why these witnesses of different origin should tell the same story, unless they themselves took part in the events they described. There has been no suggestion of disposal of Netaji's body in any other way but by cremation at the Taihoku Crematorium. (Page 42 – para 5)	"I, therefore, find it proved beyond all reasonable doubt that Bose traveled in a Japanese bomber from Touraine to Taihoku on the morning of 18 th August, 1945..... The plane crashed to the ground, broke into two parts and caught fire. In this fire the pilot and Genl. Shidei died instantaneously and of the other men on board, the co-pilot Ayoagi died later and Bose also succumbed to his burn injuries during the course of the following night. His body was cremated and ashes were taken to Tokyo." (Page 49 – para 4.129)	"..... the absence of death certificate of Netaji filed before the Bureau, the application seeking permission to cremate his dead body, the permit granted for his cremation and an entry in the cremation register in proof of the cremation makes the evidence of the witnesses, who testified to Netaji's death and cremation, vulnerable and raises a strong reasonable and bona fide doubt about the story of his death by air crash." (Page 72 – para 4.6 end)
4.	Height from which the	"Witnesses inside the plane	"Describing the crash the	"From his evidence (Habibur

	plane nose-dived.	have given different estimates of the height, but most of them say that the maximum height gained was about 30 meters. Mr. A. M.N. Sastri, an Aircraft Inspector of the Directorate General of Civil Aviation, Government of India, has said, in answer to a question, that considering that the aircraft left the ground 50 meters before the end of the runway and started climbing, the figure of 30 to 40 metres given by witness Captain Nakamura alias Yamamoto appeared to him to be reasonable." (Page 19 - para 11)	witnesses stated: The plane started, using almost the full length of the runway and took off, and at 30-40 meters above the ground, the plane leaned towards the ground....." (Page 23 - para 4.30) "The story of the crash is narrated by him (Taro Kono) in the following terms: After we took off and the altitude was about 20-30 metres from the ground, the left propeller was blown off and the left engine was torn off" (Page 24 - para 4.33)	Rahman) it is seen that not only he testified to the above fact but went on further to say that the plane nosedived from a fairly high altitude "possibly over 12-14000 feet". If this evidence of Habihar Rahman is to be believed then none of the 12/13 passengers - not to speak of the crew members - could have survived." (Page 89 - para 4.12.6)
5.	Non-availability of any document of the air crash makes the story of the accident suspect	"In fact, as will be seen, different witnesses have given different stories, which would disprove any suggestion of "promoting". So, notwithstanding discrepancies and variations, which are only too likely after the lapse of so many years, the statements of witnesses must be taken as worthy of credit. These statements are corroborated by enquiries through military and	"The papers in the plane must have perished in the fire, because the front portion of the plane where they would normally be kept was completely destroyed. It is only conjecture that such papers must have been prepared ergo, their non-production disproves the crash story. It is against reason, common sense and the rules of	"The next circumstance that makes the story of the accident suspect is the non-availability of any document of the air crash. Even though the Japanese were in control of Taipei till October 25, 1945 (when the Chinese took over) and an inquiry into the accident was held as early as September 13, 1945 by a team of British Intelligence headed by Mr. Finney it does not

		non-official channels soon after the events. They all point to the fact that Netaji Subhas Chandra Bose died at Taihoku Military Hospital on the night of the 18 th August 1945. We accept this conclusion." (Page 35 – para 10.	evidence to base a conclusion on such an unjustifiable and unsubstantiated assumption. (Page 39 – para 4.86)	appear that any attempt was made by them to look for the Airport records." (Page 91 – Para 4.12.8)
6.	Shri S.A. Ayer's views in his book "UNTO HIM A WITNESS"	"The news (about Netaji's death in the plane crash) was broken to Mr. S.A. Ayer by Lt. Col. Tada, who was flying with him to Tokyo, on the afternoon of the 20 th at Canton." (Page 31 – para 6)	<p>"It is clear, however, that the witness ultimately accepted the crash story, because at Tokyo, he received Netaji's ashes at the Imperial Japanese Headquarters and helped to carry them to the Renkoji Temple. He treated the ashes with the reverence due to his leader...." (page 36 – para 4.71)</p> <p>"Iyer prepared a report in which he discussed the story of the fatal air crash in considerable detail. The view expressed by him was that Netaji had, in fact, succumbed to injuries sustained by him in an aircrash on the Taihoku airfield. He went on to say "in conclusion I would repeat that I have not the</p>	<p>"The other impediment to the acceptance of the story of the plane crash is furnished by the evidence of Shri S.A. Ayer, ex-Publicity and Propaganda Minister of Azad Hind Government as corroborated by the relevant passages of his book titled "UNTO HIM A WITNESS' (Ex 308). From Shri Ayer's evidence referred to above it is manifest that on receiving the news of Netaji's death he refused to believe that he had died in the plane crash " (Page 93 – Para 4.12.11)</p> <p><i>could be checked</i></p>

			<p>faintest doubt in my mind that the ashes that are enshrined in the Renkoji temple in Tokyo are of Netaji's..." (Page 36 - para 4.72)</p> <p>"The witness has written a book "UNTO HIM A WITNESS", and in this book also the witness reiterated his belief that Bose's plane had crashed and he had died at Taihoku....." (Page 36 - para 4.73)</p>	
7.	Escape theory	<p>"..... The Japanese Government helped him to escape, and they have, therefore, put out an elaborate deception story which is supported by Japanese witnesses. As for Col. Habibur Rehman, he is bound by an oath of secrecy and his injuries are faked. These are large presumptions. As has been stated before, there is a great deal of evidence that the plane had crashed and Netaji had died. There is no reason to disbelieve the numerous witnesses belonging to Japanese</p>	<p>"I am not prepared to accept the contention that the entire military organization of Japan had entered into a conspiracy to put forward a false story in order to cover up Bose's escape. Such a hypothesis is foreign to reason and to human nature. Most of the witnesses who gave evidence impressed me by their frank and honest demeanour it is only necessary to say that this criticism does not shake the strength and the value of the evidence."</p>	<p>"On a conspectus of all the facts and circumstances relevant to the above issues it stands established that emplaning at Saigon on August 17, 1945 Netaji succeeded in evading the Allied Forces and escaping out of their reach and as a camouflage thereof the entire make-belief story of the air crash, Netaji's death therein and his cremation was engineered by the Japanese army authorities" (Page 106 - para 4.12.18)</p>

		and other nations. From medical evidence it appears clear that the injuries of Col. Rehman were genuine. If he was under any oath of secrecy, surely the others, particularly the Japanese witnesses, were not. Yet they have corroborated each other. So the line of reasoning of this school cannot be accepted." (Page 35-36 – para 11)	(Page 49 – para 4.128)	
8.	Ashes of Netaji	<p>"From what has been said, it will be seen that the ashes were moved in stages from the crematorium to Nishi Honganji temple, from there to Minami Aerodrome, and thence to Tokyo Imperial General Headquarters. The progress thereafter was from the Imperial General Headquarters, first to Mr. Ramamurti's house, and then to Mrs. Sahay's house, and finally to the Renkoji temple. There is no break in the chain." (Page 50 – para 7)</p> <p>"..... After having examined the statement of these witnesses, it is clear that the reasons for doubting that the</p>	<p>"I, therefore, find it proved beyond all reasonable doubt that Bose traveled in a Japanese bomber from Touraine to Taihoku on the morning of 18th August, 1945..... The plane crashed to the ground, broke into two parts and caught fire. In this fire the pilot and Genl. Shidei died instantaneously and of the other men on board, the co-pilot Ayoagi died later and Bose also succumbed to his burn injuries during the course of the following night. His body was cremated and ashes were taken to Tokyo." (Page 49 –</p>	<p>"As regards the journey of the ashes collected by Habibur Rahman from the crematorium at Taipei to the Renkoji Temple in Japan the evidence is consistent and, therefore, needs no discussion. Since the ashes collected were of Ichiro Okura – not of Netaji – the only inference that can be drawn is that the ashes lying in that temple cannot be of Netaji". (Page 107 – para 4.12.19)</p>

		ashes did not belong to Netaji, are either based on insubstantial grounds, or on wrong facts and therefore have to be discarded." (Page 53 - para - 10).	para 4.129)	
9.	Dr. Yoshimi who treated Netaji in the Taihoku military hospital	<p>"Dr. Yoshimi has stated that at about 7 or 7-30 P.M. he was informed by Dr. Tsuruta that Netaji's condition had deteriorated and his pulse was very weak. Shortly after 8P.M. he breathed his last. He made out a medical certificate of death in respect of the deceased, writing him name in Japanese (Kata Kana) as "Chandra Bose" and giving the cause of death as "burns of third degree". (Page 30 - para 5).</p> <p>"..... Dr. Yoshimi says that tears were rolling down Col. Rehman's eyes. The nurses were crying loudly. Everybody present in the room was crying. In fact, describing this poignant scene before the Committee, Dr. Yoshimi himself broke down and sobbed audibly. " (Page 39 - para 1)</p>	<p>"..... Dr. Yoshimi was present when Bose died, later the same night, and he prepared a death certificate which he signed." (Page 26 - Para 4.37)</p> <p>"..... But the important point is that there was no reason whatsoever for Dr. Yoshimi to make up wholly false story and depose to it on oath. Dr. Yoshimi struck me as an eminently respectable individual whose status in life and whose professional pride would prevent him from committing perjury in a case with which he was in no way personally or nationally concerned." (Page 35 - para 4.64)</p> <p>".... The Doctor, too, appeared to be a most convincing witness of truth."</p>	<p>"Discussion on this point will not, however be complete unless the part played by Dr. Yoshimi on this issue is commented upon. The absence of any record relating to Netaji's death and cremation (in respect of which he claimed to have played a pivotal role) clearly demonstrates that he was not telling the truth. Dr. Yoshimi's failure to give any reason, much less a satisfactory one, for belated preparation of the copy, his statement before the Committee that he did not know what had happened to the hospital records after his departure therefrom on January 21, 1946 and the report of the inquiry officer of the Formosan Government to the effect that the hospital</p>

			(Page 49 – Para 4.128)	records were not available (as noticed earlier) clearly indicate that the above document cannot but be a manufacture one.” (Page 74-75 – para 4.8)
10.	Inquiry conducted by Harin Shah	<p>“In August 1946, i.e. the year after the events, Mr. Harin Shah, an Indian journalist, visited Formosa at the invitation of the Chiang Kai-shek Government. There he took up enquiry on his own about Netaji. Mr. Shah came across a number of Formosans who had something to say as to what happened to Netaji at Taihoku. He met some medical students, who had heard that Netaji had been severely injured as a result of the air crash, and that a Japanese medical student donated blood for transfusion. He also examined at length a Formosan nurse, Sister Tsan Pi Sha, who said that she was in attendance on Netaji at the Nanmon Military Hospital. She gave correct description of Netaji and Col. Habibur Rehman. In the end she said that Netaji had</p>	<p>“In this connection I may refer to Harin Shah, a newspaper reporter, who paid a visit to Taipei at the end of August 1946. He made an investigation into the story of the air crash and Bose’s death. He claimed to have obtained the two above mentioned documents from the municipal records at Taipei Harin Shah, in 1956, published a book named “Verdict from Formosa GALLANT END OF NETAJI Subhas Chandra Bose”. The theme of this book is that the story of the crash of Bose’s death had been proved beyond all doubt. Harin Shah expressed the view that though the particulars given in the two documents do not, in terms, specify Bose, the</p>	<p>“..... an inquiry towards that end was undertaken for the first time by Shri Harin Shah, the Editor of “Indian Worker” Towards the end of August, 1946 he paid a visit to Taipei and made an inquiry into the story of the air crash ad of Netaji’s death... he called on the Director of the Bureau at his (the Director’s) office in Taipei and asked for records with regard to the death ad cremation of Netaji... After search those two clerks produced the following documents –</p> <ul style="list-style-type: none"> i) the doctor’s report on the deat of Netaji; ii) the police officer’s report; and iii) the certificate issued by the Bureau permitting cremation. The doctor’s report reads as follows: <p>From the Army Hospital</p>

died at the hospital at 11 at night He was satisfied on the strength of his enquiries that Netaji had died at Taihoku as a result of the air accident." (Page 34 -- para 9).

documents, in fact, relate to him and therefore prove his death and subsequent cremation. He attributed the discrepancy to a desire on the part of the Japanese to keep the matter of Bose's death a complete secret." (Page 41 -- para 4.95)

"The death certificate describes the deceased as Okara Ichiro, male, born on April 9, 1901. The cause of death is mentioned as heart-failure..... (Page 41 -- para 4.96).

"It is clear that neither the name nor the date of birth of the deceased mentioned in these two documents is truly descriptive of Bose..." (Page 42 -- para 4.97)

"The argument is in the nature of non-sequitur, for what does not relate to an event, cannot be used to disprove it. It is tantamount to raising a phantom and then destroying it. I do not, therefore, accept the contention that these

To the Bureau of Health and Hygiene

Date of the Report: 21st August, 1945.

Certificate of the Death:

Name of the: Okara Ichiro person

Sex : Male

Birth: Born in the Meiti 22nd Year April 9.

Reason of : By sickness

Death

Nature of sickness: Heart-Failure

Time of death: 19th August 4 p.m.

.....

The name of: Chhuluta

Doctor and Toyoji

The seal Chentze

.....

In his book titled "Gallant end of Netaji (Ext. 295) Shri Shah reproduced copies of the doctor's report wrote in his book and also testified before the Committee that even though the particulars given in those documents related to Ichura Okara or Okara Ichiro, those documents

			documents relate to Bose and that they disprove the factum of his death." (Page 43 – para 4.99 end)	in fact related to Netaji's death and cremation." (Page 60-62 – paras 4.6.11 – 4.6.13)
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o/c

No.12014/8/2005-NCB.II
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

Dated: May 4, 2006.

NOTE FOR CABINET

Sub: Report of Justice Mukherjee Commission of Inquiry on the alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report.

Background

The controversy over the death of Netaji Subhas Chandra Bose surfaced after the announcement from Tokyo on August 23, 1945 that Netaji had died in a plane crash on August 18, 1945. After independence, there was a popular demand for an inquiry into the alleged death/disappearance of Netaji. The Government of India appointed a three-member Committee headed by Shri Shah Nawaz Khan in 1956 "To enquire into and report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August 1945, his alleged death as a result of an aircraft accident, and subsequent developments connected therewith".

While Shri Shah Nawaz Khan and Shri S.N. Maitra of the Committee came to the conclusion that Netaji had died in the plane crash on August 18, 1945, Shri Suresh Chandra Bose, the other member of the Committee, differed and did not sign the report. The majority report was accepted by the Government of India.

2. However, because of continual demand for a fresh inquiry into the matter, the Government of India, in exercise of the powers conferred under the Commissions of Inquiry Act, 1952, appointed the Justice G.D. Khosla Commission in July 1970 to

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“inquire into all the facts and circumstances relating to the disappearance of Netaji Subhas Chandra Bose in 1945 and the subsequent developments connected therewith and make its report to the Central Government”. This Commission also came to the conclusion that Netaji had succumbed to his injuries sustained in the plane crash at Taihoku and that his ashes had been taken to Tokyo. The Government of India accepted this report.

3.0 **Appointment of Justice Mukherjee Commission of Inquiry**

3.1 The findings of the Khosla Commission also did not put an end to the controversy surrounding Netaji's death. There was consistent demand for fresh inquiry into this matter. In a Writ Petition filed before the Kolkata High Court, a Division Bench, by its judgment dated 30th April, 1998, directed the Union of India to re-inquire into the alleged disappearance of Netaji, in accordance with law, by appointing a Commission of Inquiry. This was followed by a motion adopted by the West Bengal Legislative Assembly on December 24, 1998 demanding that the Government of India should enable public access to all records and documents to demystify the matters in and outside India pertaining to the whereabouts of Netaji Subhas Chandra Bose.

3.2 Consequently, on 14th May, 1999 (copy of Notification is annexed at Annexure I) the Government of India appointed the Justice Mukherjee Commission of Inquiry (JMCI) headed by Justice M.K. Mukherjee, Retired Judge of the Supreme Court, to inquire into all the facts and circumstances related to the

disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith, including :-

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how; and
- (e) if he is alive, in respect of his whereabouts.

4.0 **Findings of JMCI**

4.1 JMCI, after examining 131 witnesses, visiting U.K., Japan, Taiwan, Bangkok and the Russian Federation and sieving through 308 exhibits, has submitted its findings on 8th November, 2005 as follows :-

- (a) Netaji Subhas Chandra Bose is dead.
- (b) He did not die in the plane crash, as alleged.
- (c) The ashes in the Japanese temple are not of Netaji.
- (d) In the absence of any clinching evidence a positive answer cannot be given.
- (e) Answer already given in (a) above.

4.2 (i) On (a), the JMCI has stated that Netaji is dead because the average Indian's life span is 70 – 75 years and Netaji would have been more than 108 years old now (his date of birth being 23-1-1897).

(ii) On (b), the JMCI has concluded that Netaji did not die in the plane crash as documentary evidence such as medical certificate, cremation certificate, plane crash records etc. are not available.

(iii) On (c), the JMCI has stated that since the ashes collected were of Ichiro Okura – not of Netaji – the only inference that can be drawn is that the ashes lying in that temple cannot be of Netaji.

(iv) On (d) and (e), the JMCI has stated that none of the versions regarding Netaji's death stands substantiated. Hence, the only legitimate inference that can be drawn is that "Netaji is no more".

5.0 **Limitations and constraints mentioned by the Commission**

5.1 The Commission has mentioned its limitations and constraints in Chapter Two of the Report. The Commission has observed that the following files/documents, which were not produced, would have been of assistance in answering the terms of reference :-

- i) File No. 12(226)/56-PM (Investigation into the circumstances leading to the death of Subhas Chandra Bose),
- ii) 'Contemporary official records' referred to by Prime Minister Morarji Desai in the Lok Sabha on 28-8-1978,
- iii) Some records of the proceedings/documents exhibited before the Khosla Commission, and
- iv) Two British Government files.

5.2 As regards (i), the Director, PMO, by letter dated 4-7-2000 had stated that file No. 12(226)/56-PM which contained agenda paper/cabinet decision regarding

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Investigation into the circumstances leading to the death of Shri Subhas Chandra Bose was destroyed in 1972 in course of routine review/weeding of old records "records of Cabinet proceedings are kept permanently in Cabinet Secretariat, from where they may be procured". However, according to letter dated 31-10-2000 of Deputy Secretary, Cabinet Secretariat, "their organization had no record relating to the events as it was formed only on September 21, 1968."

5.3 As regards (ii) above, the Commission has observed that it found it extremely difficult to persuade itself of the non-availability of contemporary official records which were referred to by Prime Minister Morarji Desai in reply to a motion moved by Prof. Samar Guha in the Lok Sabha on 28-8-1978 viz. "There have been two enquiries into the report of the death of Netaji Subhas Chandra Bose in the air-crash on 18th August 1945 The majority report of the first Committee and Shri Khosla held the report of the death as true. Since then, reasonable doubts have been cast on the correctness of the conclusions reached in the two reports and various important contradictions in the testimony of witnesses have been noticed, some further contemporary official documentary records have also become available. In the light of those doubts and contradictions and those records, Government find it difficult to accept that the earlier conclusions are decisive."

But no such 'further contemporary official documentary records' was available in the PMO, the MEA, the Cabinet Secretariat and the MHA. Referring to file No. 2/64/78-PM, Joint Secretary, PMO, wrote to say that the materials in the file

merely included letters from non-Government personalities with reference to old newspapers and notes thereon.

5.4 Regarding (iii) above, the Commission was provided with all available records pertaining to the proceedings of the Khosla Commission. Some records of Khosla Commission could, however, not be retrieved in spite of vigorous efforts and, therefore, could not be supplied to the Commission for its scrutiny. An affidavit to this effect was provided to the Commission by the then Joint Secretary (Internal Security), MHA.

5.5 Regarding (iv) above, in the course of inquiry, the Commission went to England to study relevant files and records of some libraries and offices. The Commission was, however, withheld access to some papers from the files of Intelligence and Security agencies (reportedly not containing any additional information relating to Netaji's death) by the Foreign and Commonwealth Office of the British Government on the ground that they were 'closed.'.

5.6 At the behest of the Commission, the MEA requested the Government of United States of America to make available to the Commission all declassified documents on Netaji Subhas Chandra Bose/INA in their possession including those of CIA and McArthur papers. The response of the Director of Textual Archives Services Division was positive, while the US Embassy in India stated that they did not have any documents relevant to the period of Netaji's disappearance. Taking a cue from the US Embassy's letter dated 23-6-2003, the Commission requested MEA to engage some suitable willing scholars or students to do the job of

archival research on Netaji Subhas Chandra Bose at various American repositories. MEA has since informed vide their letter dated 5-4-2006 that the "Mission in Washington DC had not found the researchers as requested by the JMCI till the time of the Commission writing its report."

5.7 The Commission has also mentioned that they were not able to proceed further on the matter of DNA testing of the ashes lying in the Renkoji Temple, Tokyo, because of the reticence of the Temple authorities to accord their consent to physical inspection and collection of potentially less charred bone pieces from the casket lying in their custody.

6.0 **Observations on the findings of the Commission**

6.1 The earlier Committee and Commission which enquired into the matter came to the conclusion that Netaji died from burn injuries sustained in the plane crash at Taihoku on 18th August, 1945.

6.1.1 The Shah Nawaz Committee has stated in their report that "It will thus be seen that the evidence given by witnesses before us as to Netaji's death is corroborated by the findings of British and American Intelligence organizations who undertook independent enquiries very soon after the occurrence, and the conclusions of an unofficial enquiry conducted a year later by an Indian journalist. As for the witnesses who have deposed before us, neither from their antecedents, nor from the manner in which they made their statements, has the Committee any reason to disbelieve their stories." The Committee also stated that "Most of the Japanese witnesses are not now connected with the Government of Japan, and are

in no way obliged to give evidence according to any particular brief." The Committee, thus, concluded that "They all point to the fact that Netaji Subhas Chandra Bose died at Taihoku Military Hospital on the night of 18th August, 1945. We accept this conclusion."

6.1.2 On this point, the Khosla Commission recorded that "After giving the most anxious consideration to all the available evidence, the criticism to which the statements of the various witnesses were subjected and the arguments advanced by counsel, I have reached the conclusion that the story of the air crash at the Taihoku airfield in Taiwan and the subsequent death of Bose, resulting from burn injuries sustained by him in the crash must be believed. This story is substantiated by the testimony of wholly independent witnesses, four of whom were Bose's co-passengers in the plane which crashed, one is the doctor who attended to him and signed the death certificate."

6.2 The basis of JMCI's response to terms of reference (b) is the non-availability of papers relating to the plane crash. In this regard, the Khosla Commission observed that "the papers in the plane must have perished in the fire, because the front portion of the plane where they would normally be kept was completely destroyed." It also observed that "It is only conjecture that such papers must have been prepared ergo, their non-production disproves the crash story. It is against reason, common sense and the rules of evidence to base a conclusion on such an unjustifiable and unsubstantiated assumption."

6.3 As regards the ashes kept in the Renkoji Temple of Tokyo as contained in (c) of the terms of reference, the JMCI's conclusion that the ashes in the Japanese temple are not of Netaji, is based on the fact that the death of one Okara Ichiro has been passed off as that of Netaji.

6.4.1 Shah Nawaz Committee's findings on ashes is that "From what has been said, it will be seen that the ashes were moved in stages from the crematorium to Nishi Honganji temple, from there to Minami Aerodrome, and thence to Tokyo Imperial General Headquarters. The progress thereafter was from the Imperial General Headquarters, first to Mr. Ramamurti's house and then to Mrs. Sahay's house, and finally to the Renkoji temple. There is no break in the chain." The Committee also concluded that "So, although there cannot be absolute certainty, nevertheless, it can be said that, in all probability, the ashes kept in Renkoji temple, Tokyo, are the ashes of Netaji Subhas Chandra Bose."

6.4.2 The death certificate relating to Ichiro Okura was also produced before the Khosla Commission which held that "It is clear that neither the name nor the date of birth of the deceased mentioned in these two documents is truly descriptive of Bose." Thereafter the Commission observed that "The argument is in the nature of non-sequitur, for what does not relate to an event, cannot be used to disprove it. It is tantamount to raising a phantom and then destroying it. I do not, therefore, accept the contention that these documents relate to Bose and that they disprove the factum of his death."

6.5 The JMCI contacted some experts in India and abroad to conduct a successful DNA test on the mortal remains preserved in the Renkoji Temple. Most experts expressed doubt about the success of a DNA test on bone samples which had been subjected to high temperatures. Only one foreign company agreed to attempt mitochondrial DNA analysis of the remains, provided recognizable teeth or other anatomically identifiable parts remain. The Commission sought such assurance from the Temple authorities; but finally stated that it had not been able to get this DNA test done because of "reticent attitude" of the temple authorities, and their reminders to the MEA in this regard evoked no response.

6.5.1 Regarding non-receipt of response from MEA about the DNA test, MEA have since informed (in reply to D.O. letter dated 30-3-2006), that "It is MEA's understanding that the Head Priest of Renkoji Temple has agreed to the DNA testing of the alleged remains of Netaji kept in his temple in Tokyo, with the only conditions being that the names of his father and himself be recognized wherever the remains are finally interred and that if possible, he be allowed to retain any part of the remains so that he can continue to pray for the soul of Netaji."

6.5.2 In response to D.O. letter dated 3-4-2006, the Director, Centre for Cellular and Molecular Biology, Hyderabad (where facilities are now available for study of ancient DNA), by his letter dated 4-4-2006 has since opined that "There is hardly any piece of bone apparently unburnt. Based on our past experience of trying to isolate DNA from such type of forensic samples, I can confidently say that there is hardly any possibility (may be about 1%) of getting any DNA at all. I would also

like to point out that if we make an attempt to isolate DNA with such a low possibility, the total ashes will be used up in the process, and nothing will be left."

6.5.3 In the light of the views expressed by the Director, CCMB, Hyderabad, it is apparent that no useful purpose may be served even if the mortal remains preserved in the Renkoji Temple of Tokyo are obtained and put to DNA testing.

Conclusion

7. The Government may, therefore, regretfully accept the findings of JMCI that Netaji Subhas Chandra Bose is dead and that it may not be now possible to comprehensively establish the circumstances of his death. However, the Government may not accept the finding of JMCI that he did not die in the plane crash since the absence of documents does not conclusively disprove the plane crash in the face of overwhelming oral evidence of those who survived the crash.

Proposal

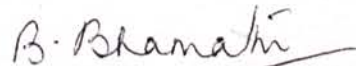
8. The proposals contained in para 7 above are placed before the Cabinet for approval. Approval of the Cabinet is also solicited to the Action Taken Report annexed at Annexure II.

9. Implementation Schedule is given in the Appendix.

10. Home Minister has seen and approved the Note.

Place: New Delhi.

Date: 4.5.2006.


(B. Bhamathi)

Joint Secretary to the Government of India

To

Cabinet Secretariat,
Rashtrapati Bhawan, New Delhi.

Secret

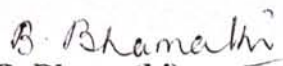
APPENDIX

No. 12014/8/2005-NCB.II
Government of India
Ministry of Home Affairs

STATEMENT OF IMPLEMENTATION SCHEDULE

Subject: Report of Justice Mukherjee Commission of Inquiry on alleged disappearance of Netaji Subhas Chandra Bose – Action Taken Report.

Gist of decision required	Benefits/result	Time frame and manner of Implementation/ Reporting to Cabinet Secretariat
Non-acceptance of the findings of the Justice Mukherjee Commission of Inquiry except that Netaji is dead.	Resolution of the controversy relating to the alleged disappearance/death of Netaji Subhas Chandra Bose.	As per provisions of Section 3(4) of the Commissions of Inquiry Act, 1952, the report will be tabled before the re-convened Session of both the Houses of Parliament in May 2006.


(B. Bhamathi)
Joint Secretary to the Government of India

ANNEXURE - I

(TO BE PUBLISHED IN PART II, SECTION 3, SUB SECTION (ii) OF THE
GAZETTE OF INDIA , EXTRAORDINARY DATED 14-5-1999)

Government of India
Ministry of Home Affairs

NOTIFICATION

New Delhi, the 14.5.1999.

S.O. 339(E) – Whereas the Shah Nawaz Khan Committee and the Khosla Commission of Inquiry appointed by the Government of India in April, 1956 and July, 1970 respectively to inquire into and to report to the Government of India on the circumstances concerning the departure of Netaji Subhas Chandra Bose from Bangkok about the 16th August, 1945, his reported death as a result of an air craft accident, and subsequent developments connected therewith had come to the conclusion that Netaji Subhas Chandra Bose met his death in an air crash;

And, whereas there is a wide spread feeling among the public that the issue of finding the truth about Netaji's death still remains;

And, whereas there has been a consistent demand for a further inquiry into the matter;

And, whereas the Calcutta High Court also directed the Government of India for a vigorous inquiry in accordance with Law, if necessary, by appointing a Commission of Inquiry for the purpose of giving an end to this controversy;

And, whereas a Motion was adopted on 24.12.1998 by the West Bengal Legislative Assembly wherein a demand has been made for a fresh inquiry into the matter to remove the mystery regarding the whereabouts of Netaji Subhas Chandra Bose;

And whereas the Central Government is of the opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an indepth inquiry into a definite matter of a public importance, namely, the disappearance of Netaji Subhas Chandra Bose in 1945;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby appoints a Commission of Inquiry consisting of Mr. Justice M.K. Mukherjee, a retired Judge of the Supreme Court of India.

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2. The Commission shall inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including :-

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

3. The Commission shall also examine the manner in which the exercise of Scrutiny of Publications touching upon the question of death or otherwise of Netaji can be undertaken by the Central Government in the circumstances

4. The Commission shall submit its report to the Central Government as soon as possible but not later than six months from the date of publication of this notification.

5. The headquarters of the Commission shall be at New Delhi, and/or any other place as determined by the Commission.

6. The Central Government is of the opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all the provisions of sub-section (2), sub-section (3), sub-section (4) and sub-section (5) of Section 5 of the Commissions of Inquiry Act, 1952 (60 of 1952) should be made applicable to the said Commission and the Central Government in exercise of the powers conferred by sub-section (1) of the said section 5, hereby directs that all the provisions of the said sub-sections (2) to (5) of that section shall apply to the Commission.

Sd..
((Nikhil Kumar)
14.5.99.
Special Secretary (ISP)

(F.No. VI/11034/18/98-IS(D.III))

Secret

ANNEXURE - II

**MEMORANDUM OF ACTION TAKEN ON THE REPORT
OF THE JUSTICE MUKHERJEE COMMISSION OF INQUIRY
REGARDING THE ALLEGED DISAPPEARANCE OF
NETAJI SUBHAS CHANDRA BOSE**

By Government of India Notification No. S.O. 339(E) dated 14th May, 1999, Shri M.K. Mukherjee, retired Judge of the Supreme Court of India, was appointed under the Commissions of Inquiry Act, 1952, to inquire into all the facts and circumstances related to the disappearance of Netaji Subhas Chandra Bose in 1945 and subsequent developments connected therewith including –

- (a) whether Netaji Subhas Chandra Bose is dead or alive;
- (b) if he is dead, whether he died in the plane crash, as alleged;
- (c) whether the ashes in the Japanese temple are ashes of Netaji;
- (d) whether he has died in any other manner at any other place and, if so, when and how;
- (e) if he is alive, in respect of his whereabouts.

2. The Government have examined the report in detail and have regretfully accepted the conclusion that Netaji may not be with us any more and it is now not possible to comprehensively establish the circumstances of his death; but are not inclined to accept the findings of the Commission that Netaji Subhas Chandra Bose did not die in the plane crash because absence of documents does not conclusively disprove the overwhelming oral evidence of those who survived the crash, as testified before the Netaji Inquiry Committee (Shah Nawaz Committee), 1956 and Khosla Commission, 1970 - 74.

3. This Report is placed before the Houses as required under sub-section (4) of Section 3 of the Commissions of Inquiry Act, 1952.

Reply to the discussion under Rule 193
on the report of Justice Mukherjee
Commission of enquiry regarding
disappearance of Netaji Subhash Chandra
Bose laid on the table of Lok Sabha by the
Minister of Home Affairs on 7.8.2006.

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Sir,

Shri Jawahar Lal Nehru, Shri Subhas Chandra Bose, Shri Abul Kalam Azad, Shri Babasaheb Ambedkar, Shri Jai Prakash Narayan were a few of the young leaders of the people, who were most respected, by one and all in the country, and who led the freedom movement with great courage and confidence and contributed towards the development of the country. Modern history of India cannot be written without mentioning the contribution of men like them towards the cause of freedom struggle and our country's development. They were the men of vision and indomitable courage who knew the country and the world, and the potential the people of India had. Their memories inspire the people of India and would keep doing so for many many years to come. If we forget them, or if we cease to remember as to how they worked, they struggled, they built the freedom movement, we would become weaker and poorer, and lose our capacity to face the challenges of the present and the future. On the eve of the attainment of the freedom, Mahatma Gandhi and Shri Subhas Chandra Bose vanished from our vision, and we were deprived of their support for the construction and building of our strong future. We should know in clear terms as to how their memories can be respected, and as to how their spirit and vision can be used to build our future. We may be able to do it better by avoiding controversies and emphasizing on the positive aspects of their and our lives. Unfortunately, there arose a controversy about the existence or otherwise of Shri Subhas Chandra Bose, and his whereabouts, and that controversy has not been fully settled and allowed to disappear.

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He gave clarion call to his fellow patriots to march towards Delhi to hoist the national flag on the tower of the Red Fort. If he had come on the eve of the Independence, he would have been welcomed with open arms by millions of masses of India. When he did not come after the second world war was concluded, and when the country was emancipated, the people were disappointed. Against their wishes, they began to think that he would not have been alive, otherwise he could not have resisted to come to his motherland, on the fulfillment of his dream of freedom for his country. They wished that he were alive, and feared that he might have breathed his last. That was why there was hesitation in the minds of his kith and kin, and the countrymen who made the government of the time to constitute a three-men committee to find out the truth about his existence and inform the country.

The committee consisted of a person who was in the Force of Independence built by him, his brother, and a senior administrator. The committee was constituted in 1956. The committee gave the report, after examining the witnesses and the evidence available in the country and outside the country. The majority in the committee came to conclusion that he was no more, and he died in the plane crash, and his ashes were kept in Renkoji temple in Tokyo. In fact initially all the members, one of whom was his brother, had come to the conclusion which was in line with the majority report, without any dissenting view on the same. However, later on, may be because, his brother's affection did not allow him to hold that the disappeared relation of his was no more, or may be the people in the country were unwilling to think that he had died. Under pressure of his own emotional inclination or of the people around him, he changed his view and gave a dissenting view. However, the facts relating to the incident and the inquiry, and the initial view and later on the dissenting view, did convey the conclusion which was said and not readily acceptable, however convincing it could have been.

This inquiry held was closer to the date of incident, than the enquiries held later on. The evidence given by the witnesses could have been more reliable

and dependable. There was no valid reason for the witnesses to depose falsely and incorrectly. In matters of such inquiries, the oral evidence given by the witnesses, and more so, the eye witnesses, is equally or on occasion more reliable than any documentary evidence. The accident had taken place in the time of war. After the war was over, the governments in the country of accident and the neighbouring countries were changed. The documents relevant to the incident and things relating to it, could not have been safely preserved or stored or could have been destroyed or burnt in the accident. Absence of these documents would not weigh heavily against the availability of the oral evidence, given by the unbiased eye witnesses and others.

Therefore, it would not be judicially prudent to attach less importance to the findings given by the Shahnawaz Committee. The findings given were not inconclusive. They were unambiguous, clear and convincing. It is not easy to disbelieve the findings and brush them aside and in their place, to accept the findings given in an inquiry which took place nearly fifty years later, and which was not conclusive, and according to which, no definite finding could be pronounced in the matter of inquiry. While assessing the credibility of the finding, we cannot afford to lose sight of this rationale.

The finding of the Shahnawaz Committee convinced many, and it seems, for reasons known to them, failed to convince a few. The fact that inquiries made by an Indian journalist, an American, and a British, which were of the same kind, also did not find favour with the few persons who had doubts about the finding. It seems that majority of the population in the country did not share the doubts, and were inclined to think that, the great leader was no more in his physical form in the world.

Khosla Commission was constituted to look into the matter again. It was done to remove the doubts entertained by a few citizens. The commission was headed by a judge, and had to function under the Inquiry Commission Act. It went to the country where the accident took place, to the country where the

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ashes were kept, and examined the witnesses who were available at that time. Legal acumen to assess the validity and reliability of the evidence given by the witnesses and the evidence produced certainly was used by the commission. The report given was unambiguous and conclusive. A few lines of it can be quoted to point out the nature of the report.

"I, therefore, find it proved beyond all reasonable doubt that Bose traveled in a Japanese bomber from Touraine to Taihoku on the morning of 18th August 1945..... The plane crashed to the ground, broke into two parts and caught fire. In this fire, the pilot and Gen. Shidei died instantaneously and of the other men on board, co-pilot Ayoagi died later and Bose also succumbed to his burn injuries during the course of the following night. His body was cremated and ashes were taken to Tokyo." Page 49 para 4.129.

The question before us is why a report of this nature should be discarded in favour of a report which is of inconclusive nature. There was no reason for the Khosla Commission to arrive at wrong conclusions. There was no reason for the witnesses to depose falsely. If all facts are borne in mind, it would be easier to rely upon this report than any other report of inconclusive nature.

It is argued that in 1978, then Prime Minister of India expressed his doubts about the reliability of the findings given in the two inquiries held. It is said that he had doubted the reliability in view of the documents available in the offices of the government. No dates, no names or no numbers to identify the said files were given which could help to find out the documents mentioned by the then Prime Minister. They could not have been found out in the offices, if particulars about them were not provided. The fact that, then Prime Minister had formed the government by defeating the government which was in power when the two inquiries were conducted, cannot be easily brushed aside, to come to the conclusion that his statement could have been motivated, not by reasons of law, but by reasons political. The two previous Prime Ministers had got two inquiries conducted to find out the facts and in a way, accepted the

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ports of the inquiries. The third Prime Minister had expressed doubt about the facts held proved, but had not constituted another inquiry which he could have done without difficulty, as it was done about twenty years later.

The third inquiry was ordered in the period of the previous government, and a judge of the Supreme Court was given the responsibility to discover facts. This inquiry was expected to do its job in six months time. It completed its task in six years' time. The Commission could have asked for the documents from the government, which had brought it into existence. Enough time was available for it to get the necessary documents. Nearly more than four years were at its disposal. Why the documents were not got from the previous government? Could it be explained in a convincing manner? I think, it cannot be done.

On the following points, the Commission had to give its findings.

1. Whether Netaji Subhas Chandra Bose is dead or alive.;
2. If he is dead, whether he died in the plane crash, as alleged;
3. Whether the ashes in the Japanese temple are the ashes of Netaji;
4. Whether he has died in any other manner at any other place and if so, when and how and,
5. If he is alive, in respect of his whereabouts.

The findings given are as follows :

It has said that Shri Subhas Chandra Bose may not be alive. He, however, might not have died in the plane crash. The following are the findings given on the issues mentioned just now:

1. Netaji Subhas Chandra Bose is dead.
2. He did not die in the plane crash as alleged.
3. The ashes in the Japanese temple are not of Netaji.
4. In the absence of any clinching evidence, a positive answer cannot be given.
5. Answer already given in (1) above.

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The findings on the point no.4 (d) are not conclusive. Therefore, it is not possible to rely upon them.

The findings given in the previous reports are conclusive and hence more reliable. Therefore, the question is why the previous findings should not be preferred and the third finding should be referred.

The Government has preferred the findings of the two previous enquiries and, not the third finding, because it is inconclusive and not definite. I think, the government has not done any mistake or wrong in doing so.

The Government was criticized for having delayed the submission of the action taken report, and the report of the commission in time. The law provides that it should be submitted to the legislature in six months' time. They were submitted in six months and a few days' period. The reasons given for delay are not unexcusable. The Commission was appointed to give a report in six months time, and it took more than six years' time. This reality should be compared with the delay of a few days, caused in submitting the report of the inquiry and the action taken report. That would put the matter in correct perspective.

It was also said that no cogent reasons were given for having not accepted the report, and for having rejected it. The reasons were given. Only thing is they were not reported fully. The reasons are given fully on this occasion when all aspects relating to the report, and its comparison with other two reports are done. I do not know if all the points given in the discussions today would be reported or not. If they are not reported, allegations can be made that no valid reasons were advanced even in the debate on the subject. Two or three columns in a newspaper, or a few seconds' visual on the T.V. cannot cover the valid points and all cogent arguments. Lacunae in reporting could generate mistaken perception and misunderstanding. Netaji Subhas Chandra Bose was

the darling of the masses and more revered by the Congressmen and patriots of all shades and opinions. Whenever doubts were raised about his whereabouts and existence, steps were taken to find out the facts. Not once, but three times. And all the help and assistance was provided to unravel the factual position. In view of these facts, should we hold that, no steps were taken to know if he were alive or not? The government had decided to confer the Bharat Ratna on him, posthumously to revere his memory. If a person is not found to be living for seven years, generally, he is supposed to have died. This fact should have been borne in mind while objecting to conferment of the highest award in the country. The reports given could also have been borne in mind. But that was not done. Why? This should be explained. Comments can be given. But we do not want to enter into dispute of this nature, and, we leave this issue to the people to decide. The statues and portraits put in the Parliament and other official buildings are indications of the desire to respect and perpetuate his memory. He is always mentioned in a very respectful manner. All the leaders pay obeisance to his memory and try to put his view and opinion in practice to strengthen the country and develop our people. The concept of planning was very near and dear to him. That was adopted to build our country's infrastructure and industry, trade and agriculture, science and technology. He was for democracy, social, economic and cultural justice for one and all. These principles have been incorporated in the basic law of the country and in the policy of the government. If these are not the ways to pay homage to the great souls, what are the other ways in which respect to them can be shown?

Let us not fall prey to political considerations. Small concepts cannot produce great and good results. Great men are great, because of their great thoughts and concepts. Let us follow them in their foot-steps by avoiding to fall in traps of narrow-mindedness.

Why any government would not be interested in not respecting the great hero of the freedom struggle? Are we respecting him by keeping this dispute alive,

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or trying to disrespect other great leaders ? Let this be understood by the people.

Anything which is acceptable to all of us, to respect his memory can be done by us. If there is anything of the nature, please suggest and we would accept it.

The government is not in a position to say that the Commission gave its report which is conclusive and acceptable. The report has not said as to how Netaji died, where he lived, and why he lived away from his dear motherland. How can this kind of ambiguous report be accepted by all of us ?

सी सी एम बी

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April 4, 2006

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TOP SECRET/MOST CONFIDENTIAL

Mrs B Bhamathi
Joint Secretary (Security)
Ministry of Home Affairs
Lok Nayak Bhawan, Khan Market
New Delhi 110 003

Dear M^r. Bhamathi,

Please refer to your D.O. letter no. 12014/1/2006-NCB.II dated 3rd April 2006 referring to the discussion I had with you at CCMB, Hyderabad on the report of the Justice Mukherjee Commission of Inquiry. In reply to your question whether, or to what extent, there is a likelihood of coming to a firm conclusion that the ashes preserved in the Renkoji Temple are that of Netaji Subhas Chandra Bose if those are subjected to DNA test, my replies are as follows:

By looking at the photographs of the ashes shown to me by you, it appears that bones are badly charred. There is hardly any piece of bone apparently unburnt. Based on our past experience of trying to isolate DNA from such type of forensic samples, I can confidently say that there is hardly any possibility (may be about 1%) of getting any DNA at all. I would also like to point out that if we make an attempt to isolate DNA with such a low possibility, the total ashes will be used up in the process, and nothing will be left. Under the circumstances, it may not be worthwhile to undertake isolation of DNA from the ashes of Netaji, which has such a strong sentimental value.

with regards.

Yours sincerely,

L. Singh

[Lalji Singh]

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QUESTIONS ON JMCI

Question No.	Text of the question	Answer
1.	JMCI after six and a half years' investigation has stated that Netaji did not die in the plane crash on 18 th August, 1945. Taiwan Govt. has also stated that no plane crash took place in August. But Govt. has not accepted the finding. Why?	It has been observed that the Commission's inquiry was inconclusive in many ways and it has not been able to provide definitive findings in the Report. The findings are also at variance with past well-accepted Inquiry Commission's findings in some critical areas. The findings of the JMCI that Netaji did not die in the plane crash are based on non-availability of 'clinching evidence'. Shah Nawaz Committee and Khosla Commission also faced similar predicament. They, therefore, relied on the oral evidence of the witnesses including those who were co-passengers of Netaji in the same ill-fated plane and came to the conclusion that Netaji died in the plane crash on 18 th August, 1945 and that he was cremated in Taiwan Crematorium and his ashes were taken to Tokyo and preserved in the Renkoji Temple.
2.	American Intelligence Agency CIA said for the first time in 1964 that Netaji was alive. In 2002 CIA again said that Netaji was 105 years old and would	No Comments. But Shah Nawaz Committee recorded that "It will thus be seen that the evidence given by witnesses before us as to

	return to India soon. Then Taiwan Govt. has said that there was no plane crash and this was supported by American Home Ministry. There is RAW of Govt. of India. What do they say about Netaji? Home Ministry should clarify.	Netaji death is corroborated by the findings of British and American Intelligence organizations who undertook independent enquiries very soon after the occurrence..”
3.	The British Govt. transferred power to the Congress Party under the PM Jawahar Lal Nehru. What were the conditions for such transfer of power as there could be no transfer of power without condition. This should be stated on the floor of the Parliament.	No comments.
4.	As there was confusion about Netaji's death in the plane crash Govt. of India appointed Shah Nawaz Committee and Khosla Commission to ascertain whether Netaji died in the plane crash in Taihoku Airport and whether the ashes preserved in Japan are of Netaji. In spite of that Govt. appointed JMCI through judicial intervention in order to unearth the truth. Thus, the rejection of JMCI's report is shocking. Govt. should come out with all the details stating the reasons for such rejection of the report.	The Government was unable to accept the findings of the JMCI as the Commission's inquiry was inconclusive in many ways and it has not been able to provide definitive findings in the Report. The findings are also at variance with past well-accepted Inquiry Commission's findings in some critical areas. The findings of the JMCI that Netaji did not die in the plane crash are based on non-availability of 'clinging evidence'. Shah Nawaz Committee and Khosla Commission also faced similar predicament. They, therefore, relied on the oral evidence of the witnesses including those who were co-passengers of Netaji in the same ill-fated

		plane and came to the conclusion that Netaji died in the plane crash on 18 th August, 1945 and that he was cremated in Taiwan Crematorium and his ashes were taken to Tokyo and preserved in the Renkoji Temple. Thus, the Government found that this Commission's findings do not disprove the plane crash story in the face of overwhelming oral evidence, particularly of those who were co-passengers of Netaji and also the Doctors and staff of the Hospital where Netaji was treated for third degree burn injuries sustained in the plane crash.
5.	JMCI has stated that the ashes preserved in Renkoji Temple are not of Netaji and as such Govt. should stop spending money for maintenance of the ashes.	JMCI's conclusion that the ashes in the Renkoji Temple are not of Netaji is based on imagination and is not based on any firm foundation. Thus, the Govt. does not accept the same.
6.	Shri Subrata Bose, MP (LS) and 43 members of Netaji's family have, through Press Statement in Kolkata on 26.5.2006, demanded acceptance of JMCI report and withdrawal or amendment of the ATR placed in Parliament on 17 th May, 2006.	Non-acceptance of the of the report of the JMCI is a fait accompli and, therefore, the question of withdrawal or amendment of the ATR does not arise.
7.	Prof. Chitra Ghose, niece of Netaji and research scholar at the Netaji Subhas Chandra Bose Institute, Kolkata, said that Government of India rejected the findings of the Commission	The Govt. was unable to accept the report as the Commission's inquiry was inconclusive in many ways and it has not been able to provide definitive findings in

	without giving any explanation, and people have legitimate reasons to suspect that it was done with a motive to hide some unsavoury facts from the public or to save the reputation of some well-known personalities or both.	the Report. The findings are also at variance with past well-accepted Inquiry Commission's findings in some critical areas.
8.	Prof. Ghose also said that The Government was willfully suppressing some important facts which were in the form of documents/files and these should be made public without delay.	All records/documents available with the Government were made available to the Commission.
9.	Prof. Ghosh further said that every person of the country had the right to know what actually happened to Netaji and they would generate public opinion to pressurize the Government into accepting the JMCI report which provided 'clinching evidence' that Netaji did not die in the plane crash at Taipei in August 1945.	No comments.
10.	Prof. Ghose also termed as 'most unfortunate, the destruction of some files (for example file No. 12(226)/56 at the PMO on Netaji and said that the remaining ones must made public immediately.	Certain documents/records were destroyed in course of routine weeding out of old records. This is a normal procedure in Govt. offices to make room for new records.
11.	Prof. Ghose also accused the present UPA Govt. and previous NDA Govt. for not extending whole-hearted support to JMCI.	All possible support was extended to the Commission.
12.	In a letter addressed to the Indian PM, Shri Yoshiro Mori, former PM of Japan and President of the Indo-Japanese Association, has requested for the return of the ashes of Netaji preserved in the Renkoji Temple, Tokyo.	This is a delicate matter and cannot be decided hurriedly.